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THE ROLE OF MEDIATION IN ENSURING POLITICAL STABILITY

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Annotation: This article analyzes the role of mediation as an institution of tolerance and consensus in political negotiations and the resolution of political conflicts. The author emphasizes that mediation is currently the most effective form of negotiations in resolving disputes and a procedure for resolving disputes with the participation of a third party. In addition, it was discussed that socio-cultural affiliation is a leading factor in negotiations and that it is important to know national identity when negotiating.

Keywords: negotiations, political negotiations, stability, mediation, conflict, rule of law, political psychology, socio-cultural affiliation, national identity.

INTRODUCTION

Aimed at revealing the importance of national character in political negotiations, L.Acton, E.Renan, O.S. The work of Bauer, G. Lebon plays an important role. Among the Russian classical philosophers Aksakova K.S., Khomyakova A.S., Samarina Yu.F., as well as the philosophers of the "silver age" Berdyaeva N.A., Ilina I.A., Franka S.L. works are available. In the analysis of political negotiations in the context of Confucian-Buddhist culture, special attention is paid to the phenomenon of "stratagem of thinking" inherent in the representatives of this culture. The Stratagem approach is a set of goal-oriented measures aimed at implementing a long-term strategic plan and ensuring that important issues are addressed. The main idea of stratagem thinking is not to engage in direct conflict in negotiations. Representatives of Confucian-Buddhist culture see the need to use unexpected, non-standard methods in the negotiation process, forcing partners to change their minds in their favor.

A conflicting approach to negotiations can also end in concessions as a result of the partners 'long and tedious bargaining with each other. In our opinion, what is the value of such agreements? After such negotiations, a certain influence emerges in each of the partners, which can play its role in the next negotiations in an unexpected (often negative) way. Bargaining tactics lead to an imbalance of interests and the parties deal with a disproportionate type of solution, in which case the priority is not necessarily on the stronger side. Sometimes random factors, such as the aggression of a weaker partner, demonstrative tension, are crucial. As a result, there is a sense of dissatisfaction on the stronger side, but these same individuals may meet in future negotiations. Experienced negotiators are very rare, for example, when we are not interested in continuing a relationship with a partner; when signing an agreement is not the main goal of the negotiations; when the demonstration of power is critical; when the success in the political game is really great - "either we gain everything or we lose everything"; when we have a very weak opponent in front of us; and finally knows that using sharp tactics effectively will be effective when there is no fear of losing reputation.

Negotiations are seen as an alternative way to resolve a political conflict. Mediation is now widely used as the most relevant form of negotiation in dispute resolution. Mediation is a procedure for resolving disputes with the participation of a third party.

The term "mediation" is derived from the Latin word "mediare" - "mediation". As noted, the mediator is a process of negotiations, in which the mediator organizes and manages the negotiations and seeks to resolve the conflict in accordance with the more realistic preferences and interests of the parties. The parties to the dispute shall voluntarily enter into negotiations with the participation of a neutral person - a mediator. The mediator must also be an influential person for the parties to the dispute. Reconciliation is the most complex process that requires sensitivity, wisdom, and experience, both in ancient times and today. That is why, since the Stone Age, authoritative, wise leaders, elders, representatives of religion have played the role of mediators. Mediation is a separate type of activity that involves the optimization of ways to resolve a problem of conflicting parties in the process with the participation of a third party. At present, court decisions satisfy only one of the parties to the dispute. The other side is dissatisfied and lost. This again leads to a lengthy grievance process. Mediation can be a compromise between legal entities and individuals. This, in turn, helps to reduce the level of tension in the conflict, turning it from a personal conflict into a process of dialogue in which the interests of the parties are discussed.

MATERIAL AND METHODS

In the legal literature, mediation is described as “the process of drawing a picture mediated by a neutral and influential person who negotiates between the parties to the conflict to compare their positions and find an acceptable and reasonable solution to the dispute”. Mediation based on both litigation and negotiation is different from arbitration, conciliation, and settlement. Thus, the arbitration proceedings are conducted between the parties on the basis of legal norms related to the exercise of the legal powers of the arbitrator, who is a third party. The development of a third party is not important in the reconciliation process aimed at finding a solution to the conflict. An agreement is a process in which the parties reach a compromise to end a dispute. Thus, mediation works as a qualitative tool of social peace: The parties enter the process of rapprochement and try to find a solution that satisfies them as much as possible on the basis of personal efforts, all under the control of a mediator who creates an equal and trusting relationship between the parties. decisions. Negotiations are seen as an alternative way to resolve the conflict. Long before the advent of mediation, which was considered an alternative method of dispute resolution, there were examples in human history of dispute resolution by neutral arbitrators. Negotiations are seen as an alternative way to resolve the conflict. Long before the advent of mediation, which was considered an alternative method of dispute resolution, there were examples in human history of dispute resolution by neutral arbitrators. Negotiations are seen as an alternative way to resolve the conflict. Long before the advent of mediation, which was considered an alternative method of dispute resolution, there were examples in human history of dispute resolution by neutral arbitrators.

In the Hague Declarations of 1899 and 1907, and then in Article 33 of the UN Charter, mediation was adopted as an alternative method of resolving disputes. The end of the Cold War in the world in the 1990s was one of the main conditions for the widespread use of mediation in the settlement of international or interstate disputes and conflicts. As a result of ending the current ideological confrontation, UN mediation efforts have expanded and strengthened the capacity of regional organizations.

According to the Harvard concept of mediation, mediation is a method of regulated negotiations. This concept is based on certain principles and is used in dispute resolution negotiations. According to this concept, mediation is a special procedure that has nothing to do with judges and state courts. The main distinguishing feature of mediation is the high degree of independence of the parties, the choice of common positions and the achievement of positive results. This connection is related to three activities:

1. negotiations with state or non-state judges;
2. moderation;
3. the participation of a third party in the negotiations to resolve the dispute.

Mediation is a very dynamic field in modern times and is considered by the international community as a universal way of resolving conflicts that meets the requirements of the times, the coexistence of people in a state governed by the rule of law and self-awareness. Mediation as a method of resolving disputes and conflicts has evolved through complex historical evolution, requiring the parties to be active and interested in finding a way out of the situation, and to use their power and influence to achieve this. Most importantly, it is not a process of resolving disputes to the detriment of the opponent and at his expense, but to give the parties equal opportunities to secure their interests and rights.

The practice of mediation is widespread in Western countries. Mediation is a way of reaching a conscious decision based on mutual agreement between the parties to the conflict and satisfying both parties. Mediation involves a third party, a mediator, in the dispute resolution process and is a specific form of mediation.

It is necessary to emphasize the following factors that require the establishment and application of the institution of mediation in our country. It was noted that the creation of a single legal space in Uzbekistan, a member of many authoritative international organizations, the unification of international law raises the issue of applying the best legal practices of our country.

Sometimes politicians are forced to negotiate under the pressure of hypocrisy and intimidation (threat of terrorists and political radicals). Negotiations when unilateral political action is not possible and useless; in the absence of procedures provided by law; a pre-trial solution is sought when a pre-trial (negotiated) solution to the problem is more beneficial, as well as in the absence of firmly established court rules and patterns of conduct. But in any case, negotiations must presuppose mutual understanding, even a will for solidarity, respect for the individual, regardless of disagreements. Qualified politicians, therefore, point to situations in which political negotiations are ineffective: such a situation arises when there are conflicting interests and the parties are in a state of incompatibility. Thus, the balance of merger and differentiation processes specific to specific negotiations is characterized by another probabilistic basis for the division of negotiations into types. This is because the preferences and steps taken by the participants, as well as the outcome determined by the negotiation space and the level of usefulness, proportionality, rationality and issues under consideration, are the basis for differences in negotiation behavior within the conflictological approach. For example, the ability to use resources without taking on restrictions and obligations (India's approach to not signing a nuclear non-proliferation treaty) is particularly beneficial for participants with relatively less power potential. In such an approach, the ability and aspiration to prevail on the one hand, and the opportunities and goals of understanding on the other, serve as a leading factor in the division of international negotiations. These political opportunities and goals are interpreted by the participants in accordance with their priorities, ideologies, the specificity of the culture of political dialogue, national and individual styles of behavior.

RESULT AND DISCUSSION

In today's political science, many approaches to negotiations are evolving, which complement each other. At the same time, it is impossible not to listen to the exciting thoughts of modern artists who follow this process, the approach of which was expressed by the Palestinian writer D. Sahar put it bluntly: "Hey, you often have to shed blood to start negotiations!" Apart from the bloodshed, what other reasons are forcing policies to convene for negotiations. On the one hand, politicians are reluctant to negotiate immediately for fear of the threat of rejection political movements (uprisings, demonstrations); on the other hand, negotiations are often held for the purpose of manipulating without political perception in order to simply demonstrate the will to compromise and compromise. [11]

According to another classification (K. Sellix and S. Jane), the formation of the negotiation style is mainly influenced by two factors: the establishment of relations (friendship) with political partners and the goal of solving certain tasks. It is also divided into styles such as "dreamy", "controversial", "oppositional" and "decisive". Partnership negotiations are often referred to as integrative negotiations, because according to the concept of game theory, the main thing here is the desire and will to unite, to

"integrate" their strategies in order to increase the initial potential of each partner. [12] At the same time, the goal of the game is for all participants to reach a "positive value" at the end of the negotiations. Sometimes these negotiations are also called collaborative negotiations, as it is clear that they emphasize this type of interaction. The main condition of such a negotiation game is that the participants must clearly evaluate each other as partners.

In this context, the concept of "political partner" should include: 1) the existence of a common political goal that can be achieved together at a given time; 2) The ability and desire to maintain political relations for a long period of cooperation. Consequently, some political disagreements may relate to certain aspects and approaches to the problem. In practice, however, these conditions are not easy to meet: there is fierce competition in politics, and often partners are plagued by doubts about each other’s clear commitment to the common good. It is therefore important to immediately identify the principles of political partnership and logic that lead to a common political goal. In this context, it is important to keep in mind that the following four basic principles can ensure agreement:

1. “Differentiation”: tactics are different but the goal is the same;
2. “unity on the basis of similarity”: common goals and their achievement;
3. "Unite for Defense": the main thing is to return the blow of a common political opponent;
4. "Unite to attack": the most important thing is to attack a common political opponent.

The main idea of the partnership approach is to look at negotiations as a tool for collaborative analysis to solve a problem. At the same time, experts do not recommend rushing to resolve the issue immediately in negotiations.

Conflicts are one of the main manifestations of modern socio-political life. People living in a society are constantly confronted with different opinions and interests. The history of human civilization has been rich in various forms of conflict, and in certain historical periods, conflicts have engulfed entire countries and peoples. Today, conflict has become a daily reality. There is also a conflict situation in terms of cooperation and agreement. The main task facing people today is to learn to live in conflict. Conflict develops in several stages: - pre-conflict conditions - tension between the parties; - event - the cause of the conflict between the parties; - conflict develops; - culmination - reaching the most acute stage of the conflict; - dispute resolution; - Negotiations - the final stage of conflict resolution; - post-conflict stage.

From the object of study, we can say that the phase of political negotiations is one of the most important stages of the conflict, which aims to find a compromise between the parties to the conflict. In this case, the parties must recognize the existence of the conflict, identify the root causes of the conflict, seek possible solutions, and mutually perform the assigned tasks, and so on. At the same time, a politician in a democratic society retains his or her institution of power, the state. Demonstration of "belonging to the state", state power and decision-making often appear as a priority of modern democratic leaders. Significant military conflicts are being waged to protect or demonstrate the state’s reputation. Suffice it to cite the Caribbean crisis, the conflict in the Falkland Islands, and the wars in the Persian Gulf as examples.

CONCLUSION

Thus, the interpretation of the political views of the negotiating partner has to take into account many interrelated factors, among which socio-cultural affiliation is the leading factor. It is a unique mirror that reflects the movement of all other directions - historical, social and individual-psychological. Therefore, if the key to interpreting a person’s socio-cultural affiliation is not found, it is impossible to interpret the phenomenon of his or her political behavior in the negotiations. To do this, it is necessary to get to the bottom of a complex phenomenon, such as a national feature.

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